



SPECIAL COMMON COUNCIL MEETING

November 20, 2013

7 P.M.

Special Meeting

The Special meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Wednesday, November 20, 2013 at 7 p.m.

Present

Mayor Daniel T. Drew, and Council Members Thomas J. Serra, Mary A. Bartolotta, Hope Kasper, Robert P. Santangelo, Grady L. Faulkner, Jr., Carl R. Chisem, Gerald E. Daley, James B. Streeto, Sebastian N. Giuliano, Sandra Russo Driska, Deborah Kleckowski and David Bauer; and Common Council Clerk Marie O. Norwood.

Absent

Corporation Counsel Daniel B. Ryan

Also Present

20 members of the public.

Meeting Called to Order

The Mayor calls the meeting to order at 7:14 p.m. He leads the public in the Pledge of Allegiance. He welcomes everyone to the meeting.

Call of Meeting Read

The Call of the meeting is read and accepted. The Chair declares this call a legal call and the meeting a legal meeting.

Motion to Recess

Councilman Serra moves to recess for 10 minutes; he states we just received a letter and he would like to read it. Councilwoman Kasper seconds the motion. The Chair calls for the vote and it is unanimous to approve with ten aye votes. The Chair states we will recess at 7:15 p.m. and return at 7:25 p.m.

Meeting Reconvenes

The Chair calls the meeting to order at 7:26 p.m.

Noted for the Record

Council Members Daley and Chisem take their seats at 7:26 p.m.

Public Hearing opens

The Chair opens the public hearing on agenda items at 7:26 p.m.

Point of Order

Councilman Streeto asks for the Council's and public's indulgence and states a question of the legality has been raised and our caucus is satisfied it is properly and legally noticed but they asked the City's Attorney and he would like him to come forward. He adds that they don't want new appointee sitting under a cloud.

Motion to Waive Rules

Councilman Serra moves to waive the rules to have the General Counsel come forward; Councilwoman Kasper seconds the motion. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously and asks Brig Smith to come forward.

Councilman Streeto states Attorney Smith the situation has been explained to you whether to act on agenda items 4C and 4D, the appointments to Planning and Zoning Commission and in talking to you briefly, you are not comfortable rendering a position and this is sprung on you. Is that fair. Attorney Smith responds that is fair. I avoid a drive by opinion and I don't have reference or history and he is getting a couple of points of view. Councilman Streeto states he has no further questions to the City attorney. The Chair asks for other questions. There are none.

Motion to Postpone

Councilman Streeto states I move to postpone 4C and 4D to our next regularly scheduled meeting in December; after his review, he is 99% sure we are acting properly, but he doesn't want someone appointed under a legal cloud every time that individual votes. This is not beneficial. Councilman Giuliano seconds the motion. There is no further discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with 12 affirmative votes.

Public Hearing Opens

The Chair opens the public hearing at 7:30 p.m. He asks that comments be kept to within 5 minutes.

Public Hearing Closes

Seeing no members of the public wishing to speak, he closes the public hearing at 7:30 p.m.

Agenda Item 4
Resolutions**Agenda Item** 4A

Councilman Daley is recognized and he reads and moves for approval agenda item 4A regarding Robert's Rules of Order and Council rules of procedure. Councilman Serra seconds the motion.

Motion to Amend

Councilwoman Kasper moves to amend the rules to add paragraph P to read

"All committees, commissions, boards and agencies shall schedule a start time for said regular meetings at 7:00 p.m. on the day of the month they designate; if a committee, commission, board or agency considers an earlier start time, the vote for such change in time has to be a unanimous vote of the committee."

Councilwoman Kleckowski seconds the motion. There is no discussion. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

The Chair asks if the underlying motion was seconded; the Clerk responds, yes by Councilman Serra. The Chair asks if there is any discussion; hearing none, he calls for the vote. It is unanimous to approve the motion as amended with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No. 176-13**File Name****Description**

Adopting Robert's Rules of Order, Newly Revised as well as Common Council Rules for the conduct of business and rules of procedure for the Common Council.

(Amended and Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That, the current edition of Robert's Rules of Order, Newly Revised, as applicable and when not in conflict with any standing or special rule/procedure enacted by the Common Council, be adopted as the manual for the conduct of business and affairs of the Common Council; and

BE IT FURTHER RESOLVED: That the following special rules and procedures be adopted:

- I. Agenda and General Meeting Procedures:
 1. All meetings shall begin with the Pledge of Allegiance.
 2. All proposed resolutions must be filed with the Council Clerk no later than the 21st day of each month preceding the Common Council meeting in order to be included on the agenda for the meeting.
 - A. Items for the agenda should be reviewed by the appropriate committee and/or commission before being included on the agenda and shall have a line at the bottom of the resolution indicating the date it went through committee and a statement as to the financial impact of the action on the City's general fund and future indebtedness.
 - B. Individual Council Members may place resolutions on the agenda whether it has been through committee or not and such resolution shall contain the name or names of the members proposing the resolution. The resolution shall include a financial impact statement of the action on the City's general fund and any future indebtedness.
 - C. The Mayor may place resolutions on the agenda whether it has been through committee or not and shall have a member of the Council's name sponsoring the resolution along with the Mayor. The resolution shall include a financial impact statement of the action on the City's general fund and any future indebtedness.
 3. All appropriations shall be published in a newspaper with general circulation in the city of Middletown prior to the meeting.
 4. There shall be a one (1) hour meeting of the Council prior to each regularly scheduled Council meeting called "Questions to Directors Workshop." The workshop will serve as an opportunity for Council members to obtain necessary information prior to the business portion of the meeting.
 - A. The workshop will be televised. Minutes will be maintained by the Common Council Clerk as a public record.
 - B. The workshop will be made available to any Council Members seeking information on agenda items only prior to the start of the regular business meeting.
 - C. The workshop does not require a quorum. Robert's Rules of Order will apply except for the quorum.
 - D. The workshop will be chaired by the Mayor or his/her designee.
 - E. Directors may leave after the workshop unless specifically requested to stay for the business portion.

5. Special Common Council meetings, with agenda items, shall have an item entitled "Questions to Directors."
6. The Order of Business for this Council shall be as follows:
 - a. Call to order
 - b. Pledge of Allegiance
 - c. Mayor Declares the call and meeting legal
 - d. Acceptance of the agenda
 - e. Approval of minutes
 - f. Public Hearing on Agenda Items
 - g. Appropriation Request Notice and Certificate of Director of Finance read by Clerk
 - h. Votes on appropriation request
 - i. Old business (items postponed)
 - j. Department, Committee, and Commission Reports and Grant Confirmation and Approvals
 - k. Payment of City Bills
 - l. New Business, resolutions, ordinances, etc.
 - m. Mayor's Appointments
 - n. Contingency Fund Transfers
 - o. Adjournment
7. Only those resolutions and ordinances received by the members of the Common Council at least four (4) days prior to a regular monthly meeting of the Common Council and having the appropriate financial statement (see Item 3) shall be considered as additions on the Agenda of that Regular Monthly Meeting.
8. Only ordinances that have been reviewed as to form by the General Counsel Committee shall be considered for adoption by the Common Council.
9. The agenda for any meeting of the Common Council shall be made available to members of the public at the same time as it is made available to members of the Common Council.
10. The public comment on agenda items, for regular and special meetings, will occur before the conduct of business and is for the public to speak on any and all items on the agenda that they wish to address, as long as rules of public conduct and decorum are followed.
 - A. Members of the public will be ruled out of order when they stray from the agenda item or no longer conduct themselves in an appropriate manner.
 - B. Each member of the public will be afforded five (5) minutes to address the Council during the public hearing portion of the agenda to last no more than thirty (30) minutes. The public hearing can be extended by thirty (30) minute increments with a supermajority (9) votes of the Council.
12. When the Council holds a workshop, it is informational and open to the public. No public hearing will be held at these meetings.

II. Council's Community Public Meeting

1. The Council will hold community-wide public meetings for any and all items previously considered non agenda items. The meetings will be held Quarterly, in the Council Chamber beginning in January; a calendar will be available for these meetings.
2. The community-wide public meeting is to be an opportunity for the public to raise issues of concern before the Council.
 - A. The Council, at its discretion during a Community Meeting may waive its rules to allow discourse between the public and Council.
 - B. The public will be able to raise or express any issue(s) of concern within the bounds of proper public discourse and decorum.
 - C. The Mayor or his/her designee will chair the meeting.
 - D. **Robert's Rules of Order** and the rules of decorum will apply for the conduct of the public meeting.
3. The recording of the public meeting will be by audio equipment and issues raised will be maintained by the Council Clerk through the Council minutes. Items the Council feels can be handled through the appropriate committee, commission or department shall be forwarded to them for response or action. The item is to be handled in a timely manner.
4. The public will be afforded ten (10) minutes per speaker to raise any issue before the body.

III. DECORUM OF THE PRESIDING OFFICER AND THE COUNCIL:

1. Council Members shall not engage in debate with other members or members of the public during any public hearing.

2. All remarks from Council members must be confined to the merits of the pending question. All statements made by members of the Council must have bearing on whether the pending matter should be adopted.
3. Members shall refrain from attacking another member's motives. When a question is pending, a member is permitted to condemn the nature or likely consequences of the proposal, but must avoid personalities and under no circumstances can he or she attack or question the motives of another member. The question is before the assembly, not the member.
4. No member having the floor shall be interrupted by another member unless a point of order is being sought.
5. All remarks must be made through the Chair. Members of the Council shall not address one another, except with permission of the Chair.
6. The Chair shall immediately call out of order any speaker whose speech has a direct tendency to inflict injury or to cause acts of violence or a breach of the peace, as that term is defined in the Connecticut General Statutes, by the person or persons to whom said speech is directed. The Chair shall further direct said speaker to conclude his or her remarks immediately, and yield the podium to any remaining speakers.
7. The presiding officer of the Council, by Charter is the Mayor; when presiding as Chair, the Mayor is not a member of the Council and as Chair will remain impartial and can take no position or debate any item on the Council agenda during the Council meeting. The Chair is afforded the right to speak or debate when a motion to appeal the Chair's Ruling is on the floor. By Charter, the Mayor may resolve tie votes of the Common Council.
8. In the absence of the Mayor, the Deputy Mayor becomes the presiding officer of the body; as a member of the body and by Charter he retains the right to vote on matters. When presiding as the Chair of the meeting the Deputy Mayor will remain impartial and if he wishes to take part in the debate of the matter, will relinquish the chair until the matter is voted on.
9. In the absence of the Mayor and Deputy Mayor, the Majority Leader may preside over the meeting. In the absence of these individuals, the Common Council will follow Robert's Rules of Order and elect a presiding officer for that meeting.

IV. OTHER MATTERS:

1. The Chief of Police or his/her designee shall be the Sergeant-of-Arms and shall be present at all meetings, including the meeting for Questions to Directors and the Community Meetings, and in uniform.
2. The General Counsel or the Deputy General Counsel shall be present at all meetings.
3. The Corporation Counsel shall serve as Parliamentarian. In the absence of the Corporation Counsel, the Chair may appoint a Parliamentarian who shall not be a member of the Common Council.
4. Any Director or his/her designee whose department has an item of business (e. g. resolution, ordinance, appropriation, grant, report, etc.) pending before the Common Council and has been asked to remain after the Questions to Directors discussion at 6 p.m., shall attend the Council meeting to answer questions regarding the pending matter and remain until action on all agenda items concerning his/her department has taken place.
5. Any Council member wishing to address questions to a director on non-agenda items should notify the Mayor's Office with the Director's name and purpose of questions; the Mayor's Office will notify the Director of the request.
6. The Common Council may establish whatever subcommittee it deems appropriate. Such subcommittees shall expire with the term of office of the Council under which they were established.
7. Seating of Council members in the Council Chamber shall begin to the right of the Mayor with the member who has received the highest number of votes and continue in the same manner alternating from right to left.
8. All matters not addressed by these rules and procedures shall be governed by Robert's Rules of Order.

V. DECORUM OF PUBLIC FOR COUNCIL MEETINGS

A citizen shall be provided a reasonable opportunity to address the Council on any agenda item or any public matter in which the City has jurisdiction or authority. They will be permitted to address the Council in the proper order of business. This privilege shall occur during the part of the agenda entitled Public Comment/Hearing on Agenda items or at the Community Meeting.

Citizens and Council members will be allowed to state their positions in an atmosphere free of slander, threats of violence, or the use of Council as a forum for politics or personal matters for which the Council or City have no jurisdiction. Sufficient warnings may be given by the Chair at any time during the remarks and, in the event that any individual shall violate the rules of decorum heretofore set forth, the chairperson may then cut off comment.

- A. Public comment is intended to afford citizens an opportunity to express opinions and to bring important matters to the attention of the Common Council. Nothing shall require the Mayor or Council to answer questions or engage in debate at any Council Meeting.
- B. All remarks shall be addressed to the Council as a body and not to any member. Speakers shall observe the commonly accepted rules of courtesy, decorum, dignity and good taste.
- C. When a group of persons wishes to address the Council on the same subject matter, it shall be proper for the presiding officer to request that a spokesperson be chosen by the group to address the Council and to limit the number of persons addressing the Council on the same matter so as to avoid unnecessary repetition.
- D. Persons in the audience will refrain from behavior which will disrupt the public meeting; this will include making loud noises, clapping, shouting, booing, hissing, or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting. Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- E. Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- F. Appropriate attire, including shoes and shirts are required during meetings.
- G. Objects and symbolic materials such as signs or banners will be allowed in the Council Chambers with the following restrictions:
 - No objects will be larger than 18 inches by 18 inches.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials
 - The items cannot create a building maintenance problem or a fire or safety hazard.
 - Materials to be utilized by presenters for a scheduled agenda item may exceed size restrictions.
- H. Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees or otherwise disturb the business of the meeting.
- I. Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.
- J. Speakers will be asked to give their name for the record.
- K. Any person making offensive, insulting, threatening, insolent, slanderous or obscene remarks or who becomes boisterous or who makes threats against any person or against public order and security while in the Council Chamber shall be forthwith removed at the direction of the presiding officer from further audience at the meeting, unless permission to continue is granted by the majority vote of the board members present.
- L. Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that are relevant to the presentation.
- M. If an individual wishes to submit written information, he or she may give it to the Clerk or other administrative staff at the meeting.
- N. The Chair shall call any speaker to order who violates any provision of the rules; failure to comply with this code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.
- O. Enforcement of decorum. The Police Chief or designee shall be the Sergeant at Arms of the Council and carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum in the Board Room. It shall be the duty

of any police officer present to eject any such person from the room upon instructions of the presiding officer.

- P. All committees, commissions, boards and agencies shall schedule a start time for said regular meetings at 7:00 p.m. on the day of the month they designate; if a committee, commission, board or agency considers an earlier start time, the vote for such change in time has to be a unanimous vote of the committee.

Agenda Item 4B

Councilwoman Kasper reads and moves for approval agenda item 4B; her motion is seconded by Councilwoman Kleckowski. There is no discussion; the Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously with twelve affirmative votes.

Resolution No. 177-13

File Name

Description Authorizing Mayor Daniel T. Drew to sign documents on behalf of the City of Middletown.

(Approved)

Be it resolved by the Common Council of the City of Middletown: That Daniel T. Drew, Mayor of the City of Middletown for a term of two years, from Noon, November 12, 2013 to Noon, November 10, 2015, is authorized to sign, on behalf of the City of Middletown, contracts approved by the Common Council, deeds, documents or instruments and amendments and/or modifications, as stipulated in the Charter of the City of Middletown, Chapter IV, Section 2, Duties and Powers of the Mayor.

Agenda Item 5

The Chair announces Robert P. Santangelo as Deputy Mayor. Councilman Serra moves this appointment for approval and his motion is seconded by Councilman Faulkner. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the appointment passes unanimously with twelve aye votes.

The Chair thanks Councilman Santangelo for the past year and for accepting the post this year.

Agenda Item 6

Councilman Serra reads the Council appointments to Councilmanic committees and commissions and moves them for approval. Councilwoman Kleckowski seconds the motion. There is no discussion; the Chair calls for the vote. It is unanimous to confirm the appointments as presented with twelve affirmative votes. The Chair states the appointments are approved.

**FINANCE AND GOVERNMENT
OPERATIONS:**

1. THOMAS J. SERRA, CHAIRMAN
2. HOPE P. KASPER
3. MARY A. BARTOLOTTA
4. DEBORAH A. KLECKOWSKI
5. DAVID BAUER

**GENERAL COUNSEL
COMMISSION:**

1. MARY A. BARTOLOTTA, CHAIRMAN
2. GERALD E. DALEY
3. CARL R. CHISEM
4. DEBORAH A. KLECKOWSKI
5. SEBASTIAN N. GIULIANO

PUBLIC SAFETY:

1. ROBERT P. SANTANGELO, CHAIRMAN
2. THOMAS J. SERRA
3. HOPE P. KASPER
4. DEBORAH A. KLECKOWSKI
5. SEBASTIAN N. GIULIANO

**PUBLIC WORKS AND
FACILITIES:**

1. CARL R. CHISEM, CHAIRMAN
2. THOMAS J. SERRA
3. JAMES B. STREETO
4. SANDRA RUSSO DRISKA
5. DAVID BAUER

INSURANCE AND CLAIMS:

1. GRADY L. FAULKNER, JR., CHAIRMAN
2. HOPE P. KASPER
3. SEBASTIAN N. GIULIANO

ECONOMIC DEVELOPMENT:

1. GERALD E. DALEY, CHAIRMAN
2. ROBERT P. SANTANGELO
3. MARY A. BARTOLOTTA
4. DEBORAH A. KLECKOWSKI
5. SANDRA RUSSO DRISKA

Agenda Item 7

The Mayor reads the Council appointments to various committees, commissions, boards and agencies. Councilman Serra moves them all for approval and his motion is seconded by Councilwoman Bartolotta. There is no discussion. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states the matters pass unanimously with twelve affirmative votes.

BOARD OF HEALTH:

1. JAMES B. STREETO
2. DEBORAH A. KLECKOWSKI

CITIZENS ADVISORY COMMITTEE:

1. GRADY L. FAULKNER, JR.
2. SANDRA RUSSO DRISKA

COMMISSION ON THE ARTS AND CULTURAL ACTIVITIES:

1. ROBERT P. SANTANGELO
2. SEBASTIAN N. GIULIANO

CONTRACT COMPLIANCE BOARD:

1. CARL R. CHISEM, CHAIRMAN
2. SEBASTIAN N. GIULIANO

HARBOR IMPROVEMENT AGENCY:

1. JAMES B. STREETO
2. SANDRA RUSSO DRISKA

PARKING ADVISORY COMMITTEE:

1. ROBERT P. SANTANGELO
2. SANDRA RUSSO DRISKA

RECREATION AND COMMUNITY SERVICES COMMISSION:

1. MARY A. BARTOLOTTA
2. DAVID BAUER

RETIREMENT BOARD:

1. HOPE P. KASPER
2. SANDRA RUSSO DRISKA

WATER POLLUTION CONTROL AUTHORITY:

1. HOPE P. KASPER
2. DAVID BAUER

**TECHNOLOGY ADVISORY
COMMITTEE:**

1. GRADY L. FAULKNER, JR.
2. CARL R. CHISEM
3. SANDRA RUSSO DRISKA

YOUTH SERVICES COMMISSION:

1. GRADY L. FAULKNER, JR.
2. SEBASTIAN N. GIULIANO

CLEAN ENERGY TASK FORCE:

1. THOMAS J. SERRA
2. DAVID BAUER

MIDDLETOWN RESOURCE RECOVERY COMMISSION TO ECRRA:

1. GERALD E. DALEY
2. DAVID BAUER

MATTABASSETT REGIONALIZATION PROJECT BUILDING COMMITTEE

1. THOMAS J. SERRA
2. JAMES B. STREETO
3. SEBASTIAN N. GIULIANO

Meeting Adjourned

Councilman Serra moves to adjourn and his motion is seconded by Councilman Faulkner. The Chair calls for the vote and it is unanimous to approve. The meeting is adjourned at 7:35 p.m.

ATTEST:

MARIE O NORWOOD
Common Council Clerk